



**Date of Council Meeting: September 9, 2013**

**TOWN OF LEESBURG  
TOWN COUNCIL INFORMATION ITEM**

**Subject:** Procedure for Special Meetings

**Staff Contact:** Jeanette A. Irby, Town Attorney

**Recommendation:** None

**Issue:** Special Meeting Requirements

The requirements and the process for a local governing body to call a special meeting are set out in the Code of Virginia and they have been reproduced for your convenience at the conclusion of this memo. The Code provides that the Mayor, or in the event the Mayor has been requested to call, but declines to do so; two council members may call a special meeting. The call for the meeting occurs when the Clerk of the Council receives notification at which time the following occurs:

The Clerk is provided with the tentative agenda by the members who call the meeting. The Clerk drafts the notice and the tentative agenda. The Clerk will notify all the councilmembers about the meeting including the date, time, location and topic. The Clerk will request that the council members respond via email or by phone indicating that they have accepted notice and will waive further notice. In the event a council member does not respond the above information will be hand delivered to the council member's residence of record.

The agenda is published at the same time as the notice and agenda is provided to Council confirming the meeting. The notice and agenda are also posted on the Town website. Council members who attend the meeting waive any additional or defects in notice. The only items that are the subject of the special meeting are on the agenda unless all members are present and they agree to change the agenda to hear additional matters.

Additionally, Council Rules of Procedure provide that special meetings are governed pursuant to the Virginia Code, specifically the Freedom of Information Act requirements.

The Code of Virginia has not given any legislative discretion to local governing bodies to amend the process or requirements concerning the ability to call a special meeting. Accordingly, so long as the rules are followed the Mayor and/or 2 members of council may call for a special meeting.

## **Virginia Code Sections**

### **§ 15.2-1417. Special meetings.**

The governing body may also hold such special meetings, as it deems necessary, at such times and places as it finds convenient. It may adjourn such special meetings from time to time as it finds convenient and necessary.

### **§ 15.2-1418. Same; how called.**

A special meeting of the governing body shall be held when called by the chairman or mayor or requested by two or more of the members of the board of supervisors or council. The call or request shall be made to the clerk, and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the clerk of the governing body, after consultation with the chairman or mayor, shall immediately notify each member of the governing body and the attorney for the Commonwealth or the county or municipal attorney, as appropriate in writing delivered in person or to his place of residence or business or, if so requested by the member of the governing body, by electronic mail or facsimile to attend such meeting at the time and place stated in the notice. Such notice shall specify the matters to be considered at the meeting. No matter not specified in the notice shall be considered at such meeting, unless all members are present. The notice may be waived if all members of the governing body attend the special meeting or sign a waiver.

### **§ 2.2-3707. Meetings to be public; notice of meetings; recordings; minutes;**

In pertinent part:

D. Notice, reasonable under the circumstance, of special or emergency meetings shall be given contemporaneously with the notice provided members of the public body conducting the meeting.

F. At least one copy of all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body.

## **Council Rules of Procedure**

### **Section 2 Special Meetings and Alternate Locations**

The Council may determine that from time to time it may wish to meet at alternate locations within the Town of Leesburg. The Council may also establish special meetings at a time and location to be duly advertised in compliance with the Freedom of Information Act.